

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEPHEN RUSIECKI,

Plaintiff,

No. 06-CV-14023-DT

vs.

Hon. Gerald E. Rosen

JAY TROMBLEY, Warden,
et al.,

Defendants.

/

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING PLAINTIFF'S COMPLAINT**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on January 23, 2008

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This matter having come before the Court on the November 30, 2007 Report and
Recommendation of United States Magistrate Judge Charles Binder recommending that
the Court grant Defendants' motion to dismiss and that Plaintiff's Complaint,
accordingly, be dismissed due to his failure to exhaust administrative remedies, and no
timely objections to the R&R having been filed, and the Court being otherwise fully
advised in the premises,

NOW, THEREFORE,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and

Recommendation of November 30, 2007 [Dkt. # 32] is hereby ADOPTED by the Court.

For the reasons stated in the R&R,

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss for Failure to Exhaust Administrative Remedies [Dkt. # 23] is GRANTED. Accordingly,

IT IS FURTHER ORDERED that Plaintiff's Complaint is dismissed in its entirety for failure to exhaust administrative remedies, without prejudice.

s/Gerald E. Rosen

Gerald E. Rosen
United States District Judge

Dated: January 23, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 23, 2008, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry

Case Manager